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**FACSIMILE TRANSMITTAL SHEET**

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<b>To:</b>	<b>FROM:</b>
Examiner K. Mitchell	Byron S. Kuzara
<b>COMPANY:</b>	<b>DATE:</b>
U.S.P.T.O.	January 10, 2005
<b>FAX NUMBER:</b>	<b>TOTAL NO. OF PAGES:</b>
703-872-9306	19
<b>RE:</b>	<b>OUR REFERENCE NO.:</b>
U.S. Serial No. 10/685,309	005127.00467
<b>NAME:</b>	<b>PHONE:</b>
Lesa Wolman	503-425-6800

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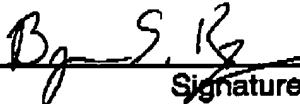
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PTO/SB/97 (06-03)

Approved for use through 04/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Byron S. Kuzara, #51,255****Typed or printed name of person signing Certificate****Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.****Amendment (16 pages)****Fee Transmittal (1 page)****Serial No. 10/685,309****Attorney Docket No. 005127.00467**

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT**

(\$ 200)

Complete If Known	
Application Number	10/685,309
Filing Date	10/14/03
First Named Inventor	Philip FRANK
Examiner Name	K. Mitchell
Art Unit	3877
Attorney Docket No.	005127.00487

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify) : \_\_\_\_\_

Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

Under 37 CFR 1.16 and 1.17

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 30 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		Small Entity
			Fee (\$)	Fee (\$)	
35	-50 or HP= 0	x 50	= 0	0	50 25

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		Multiple Dependent Claims
			Fee (\$)	Fee Paid (\$)	
5	- 4 or HP= 1	x 200	= 200	0	360 0

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

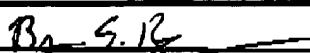
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	- 100 = _____	/ 50 = _____ (round up to a whole number) x _____	= _____	Fee Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : \_\_\_\_\_

### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	51,255	Telephone	503-425-6800
Name (Print/Type)	Byron S. Kuzma			Date	1/10/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 60 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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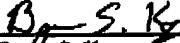
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JAN 10 2005

**Certificate Of Transmission**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 872-9306 on January 10, 2005.

Respectfully submitted,

  
By: Byron S. Kuzan  
Registration Number 51,255  
Banner & Witcoff, Ltd.**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of ) Group Art Unit: 3677  
Philip Andrew FRANK ) Examiner: Mitchell, K.  
Serial Number 10/685,309 ) Attorney Reference: 005127.00467  
Filed: October 14, 2003 )  
For: FLEXIBLE BAND )

**AMENDMENT**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

In response to the Office Action mailed October 12, 2004, please amend the above-captioned application as follows: